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February 27, 2019

Richard L. Whitt  
Austin & Rogers, P.A.  
508 Hampton Street  
Suite 203  
Columbia, South Carolina 29201

**Re: Docket No. 2018-401-E**

Dear Richard:

The purpose of this letter is to bring to your attention certain deficiencies contained in Beulah Solar, LLC ("Beulah") Responses to South Carolina Electric & Gas Company's ("SCE&G") First Set of Discovery Requests (the "Discovery Responses") and to request Beulah's immediate attention to these Responses, including providing supplementation as noted below.

First, to the extent that Beulah has failed to make a full Response to a Discovery Request based on its filing of its Motion to Hold Docket in Abeyance and its Motion for Protective Order, withholding a full Response is inappropriate absent an Order from the Commission granting such suppression. Further, as will be noted in SCE&G's Opposition to the Motions and as set forth in SCE&G's February 22, 2019 correspondence, the relief requested by the Motions is misguided and for the purpose of delay.

Second, the general objections posed by Beulah are also inapt and, in certain circumstances, are not in line with the South Carolina Rules of Civil Procedure and/or the South Carolina Public Service Commission. In addition, to the extent that any Response was withheld on the basis of the purported need for a Confidentiality Agreement, please provide such an Agreement within three (3) business days.

**Requests for Admission**

Beulah's refusals to admit or deny Requests for Admission 6, 7, and 8 are without merit and should be responded to in full. Beulah's refusal to respond to Requests for Admission 10-13 on the purported premise that "upstream owner" is undefined is improper—the term was used by Beulah on Form 556 that Beulah filed with the Federal Energy Regulatory Commission. Requests for Admission 11-13 are relevant to this dispute and must be responded to. Rule 26(b) of the South Carolina Rules of Civil Procedure permits a broad range of discovery. See Rule 26(b) SCRPC; see also S.C. Code Ann. Regs. §103-833 ("[a]ny material relevant to the subject matter involved in the pending proceeding may be discovered...") "The rules of discovery were designed to promote full examination of all relevant facts and issues..." *Kramer v. Kramer*, 323 S.C. 312, 472 S.E.2d 215 (Ct. App. 1996). "Parties may obtain discovery

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regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.” *City of Columbia v. ACLU*, 323 S.C. 384, 475 S.E.747, 749 (1996). SCE&G’s inquiry into conduct with respect to interconnection agreements containing the same curtailment language now complained of is not only relevant to this dispute but is also clearly permissible discovery. The avoided Requests for Admission must be responded to immediately or will be deemed admitted.

### **Interrogatories**

First, S.C. Code Ann. Regs. § 103-833 requires that interrogatories be signed and verified, yet no verification accompanied Beulah’s interrogatories. Throughout the Interrogatories, Beulah notes that it is “compiling” information. The timeframe in which the applicable rules provide Beulah to respond to SCE&G’s Interrogatories has passed, and Beulah has neither sought nor received an extension of time in which to respond.

The objections to Interrogatories 5 and 11-21 are improper and seek to avoid permissible discovery, as set forth in South Carolina rules and case law above. The Interrogatories are neither vague, ambiguous, overly broad, argumentative, nor harassing and are, in fact, appropriately tailored to seek information related to Beulah’s allegations that promoted the instant proceeding. Beulah must respond fully to SCE&G’s Interrogatories immediately.

### **Requests for Production of Documents**

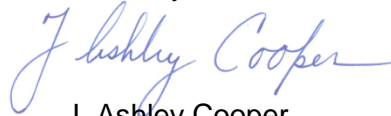
The Responses to the Requests for Production were likewise not verified as required under S.C. Code Ann. Regs. § 103-833. Beulah has furthermore improperly objected to or failed to answer Requests for Production 1-2, 4-8, 14-17, and 19-20 or otherwise asserted its purported legal position in reply to the Requests rather than providing responsive documents as required by South Carolina law (for example, Beulah’s Responses to Requests 9-13). In certain circumstances Beulah alleges that it would be “burdensome” to review documents responsive to the Requests for Production, so therefore Beulah will not produce any. This position is in stark conflict with Beulah’s obligations as a litigant under South Carolina law—compounded by the fact that it was Beulah who initiated this dispute in the first place yet now seeks to avoid its obligation to provide information relevant to this dispute and supportive, if any actually exists, of its claims. SCE&G demands that Beulah immediately respond and produce documents responsive to SCE&G’s Requests for Production in accordance with Beulah’s legal obligations.

With respect to Request for Production 5, the only Request for Production to which Beulah discloses that it has documents and will produce them, please produce those documents immediately.

SCE&G demands an immediate meet and confer with respect to Beulah’s Responses to the Discovery Requests, to occur no later than close of business, Friday, March, 1, 2019. In the event that these discovery disputes are not resolved, SCE&G will file a Motion to Compel the Responses and request expedited consideration by the Commission early next week.

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Sincerely,

A handwritten signature in blue ink that reads "J. Ashley Cooper". The signature is fluid and cursive, with the first name "J." and last name "Cooper" clearly legible.

J. Ashley Cooper

JAC

cc: Matt Gissendanner